

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN UMBARGER,

Plaintiff,

Case No. 1:12-cv-603

v.

HON. ROBERT HOLMES BELL

STATE OF MICHIGAN, et al.,

Defendants.

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

On September 17, 2013, Magistrate Judge Scoville issued a Report and Recommendation (“R&R”) (Dkt. No. 23) recommending that Defendants Booker, Caruso, Combs, Granholm, Heyns, McKeon, Michigan Department of Corrections, Michigan (State of), Sampson, and Snyder’s motion to dismiss under Fed. R. Civ. P. 12(b)(6) (Dkt. No. 15) be granted and further recommending that Plaintiff’s claims against Defendants Atterberry and Hofbauer be dismissed without prejudice under Fed. R. Civ. P. 4(m). No objections have been filed, and the deadline for doing so has expired. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge’s September 7, 2013, R&R (Dkt. No. 23) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants’ Motion to Dismiss (Dkt. No. 15) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's claims for Declaratory Judgment are **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendants Booker, Caruso, Combs, Granholm, Heyns, McKeon, Michigan Department of Corrections, Michigan (State of), Sampson, and Snyder are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendants Atterberry and Hofbauer are **DISMISSED WITHOUT PREJUDICE**.

Dated: October 8, 2013

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE